

# County's Old Stone Jail a Historic Landmark

## *Inside of Structure Built in 1859 Looks Like a 'Dungeon'*



Old Stone Jail, Tenth St., Honesdale

**By Gloria McCullough**

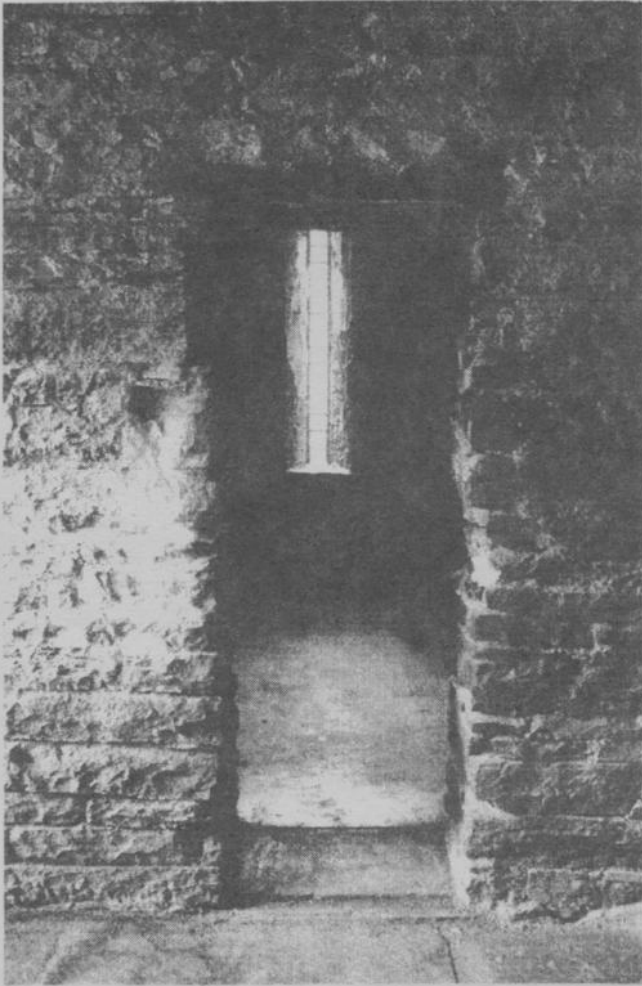
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**F**OR MORE THAN 143 YEARS the Old Stone Jail has occupied an unobtrusive site along the banks of the Lackawaxen River at the eastern end of Tenth Street in Honesdale. Built in 1859 at a cost of \$16,000, this venerable stone building was not the first structure to house Wayne County's lawbreakers.

After Wayne County was established in 1798, its first jail was built in 1801 in Bethany, then the county seat. The thirty-two by thirty-six foot building, constructed of hewed timber laid up like logs in a cabin, was a story and a half in height. Two small cells were located on the first floor and the jailer and his family occupied the remainder of the

building. It burned in 1815 and by 1817 a combination courthouse and jail had been constructed. During the construction two rooms had been partitioned off in David Wilder's public house to provide temporary quarters for local wrongdoers.

In 1841, when Honesdale became the seat of county government, another wooden jail was built on the present site of the old stone jail. A separate structure next door served as home to the jailer and his family. Living conditions aside, the most troublesome aspect of this latest wooden jail was the ease by which the unwilling occupants gained access to freedom. After much deliberation a decision was made to construct a more substantial re-



A view through the narrow entrance  
into the interior of a cell.

placement, but the project was fraught with controversy. In 1858 the building contract was awarded to Kelly & Co., despite allegations of bribery in the local press, and construction commenced.

While the workmen labored, the prisoners' unsanctioned leaves of absence continued unabated. The old wooden jail was torn down to clear the site for its replacement and prisoners were confined in a large room in the upper story of the jailer's residence. They were handcuffed and shackled to the floor as an extra measure of security. In June 1859, just prior to completion of the stone jail, a prisoner was in residence. During the day, this enterprising individual hammered at his shackle, taking advantage of the noise of the nearby construction to mask his efforts. He managed to break the shackle and during the night he made his escape. Lowering himself by means of bedclothes from the second story window, the handcuffed prisoner disappeared into the night, minus his coat and pants.

By August the stone jail was ready for occupants. An article in the August 11, 1859, issue of the *Wayne County Herald* reported that Sheriff Turner had arrested a young man named Thomas Lee for robbing a store in Binghamton and had taken him to the new "Lock-up." This same newspaper, on April 7, 1859 declared, "We admonish all evildoers to keep out of this jail, if they wish to enjoy their liberty, for if they get behind the double iron doors, they will be hopelessly fast until released by due course of law."

Stepping across the threshold of this somber stone edifice, one is inclined to share the attitude of that newspaper correspondent. Upon entering the building, the descriptive word that immediately comes to mind is "dungeon." The squat, one story structure is constructed almost completely of rough stone. The interior walls are rough stone as is the floor. The ten foot arched ceiling is brick. A trap door in the ceiling leads through a crawl space to a latticed cupola on the roof. This cupola seems an oddly esthetic touch to an otherwise bleak structure. The heavy iron door opens to a very narrow corridor with another iron door at its opposite end. Five cells, each measuring about twelve feet by nine or ten feet with arched ceilings, flank the corridor on each side. The entrance to each cell is considerably lower than a normal doorway, making it necessary for even a man of medium stature to stoop to gain entry. Each cell has a long narrow vertical slit for a window resembling an aperture one might see in a fortress. Once the solid metal cell door was closed this aperture would be the prisoner's only source of light.

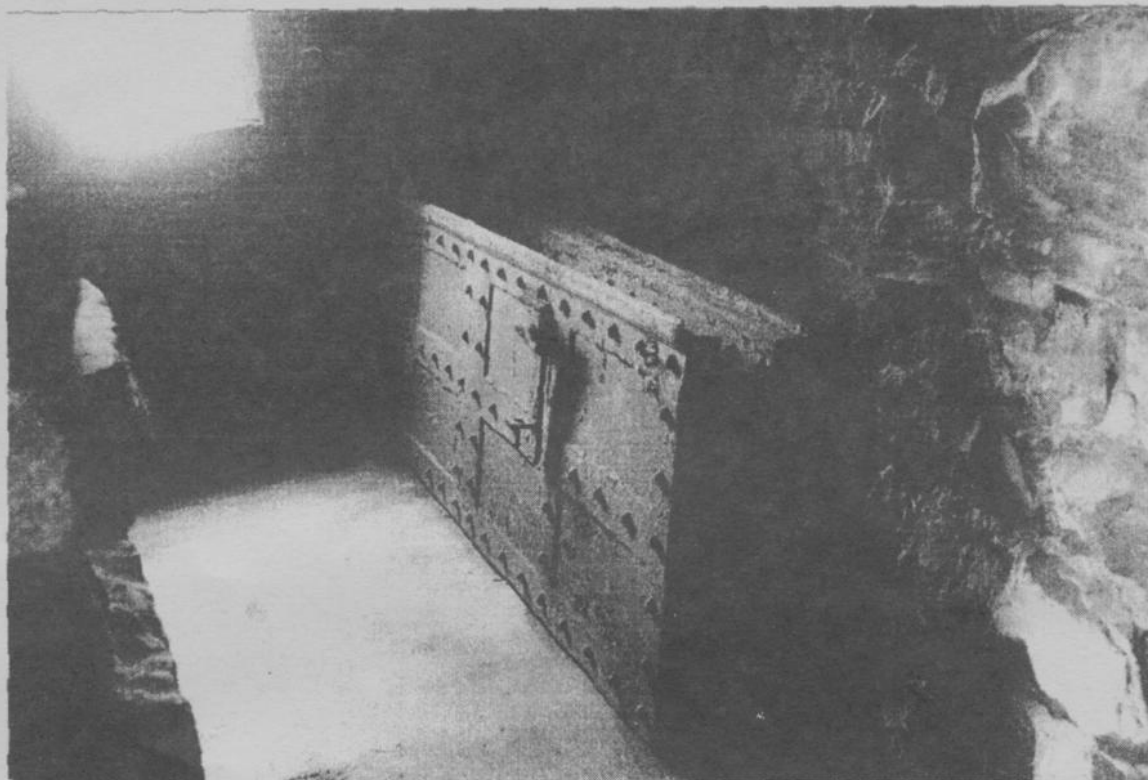
A cell on either side of the front entrance served as a room for the guard and a trustee. The walls of the corridor still retain the marks of what evidently had been a gate that separated these first two cells and the front entrance from the rest of the jail. The last cell on the right may have been where the jailer's wife prepared the meals for the prisoners. A thick stone slab in one corner of the cell might well have been the location of a wood or coal stove.

The overall impression is one of dampness and gloom even in the daylight hours. A kerosene lamp would have done little to relieve the melancholy atmosphere during the long winter evenings. Much later, at some point prior to the construction of the present county jail in 1935, electric wiring was installed. Portions of that antiquated wiring system are still in evidence.

From its construction in 1859 until 1935, the old stone jail has been the setting for many of life's comedies and tragedies. Most of its occupants were people arrested for such crimes as selling liquor without a license, public drunkenness, assault and battery, petty theft or vagrancy. It was the setting for a number of suicides and, in 1878, the birth of a baby whose mother was being held for the murder of her husband. This particular story had a happy ending since the woman was acquitted. The first hanging in Honesdale, the fourth in the county,

to be no match for the local criminal element that seemed determined to demonstrate that when there is a will there is a way—out. The county's reluctant guests displayed remarkable ingenuity and teamwork in devising methods of escape. The *Republic*, in its issue of June 16, 1864, chided, "Out again. Last week two of the three boys who have broken out of jail so many times recently again escaped and are now in the neighborhood of Equinunk. They have sent word to the Sheriff that if he wants them they will immediately return."

Iron cell doors have been removed and are stored inside the cells.



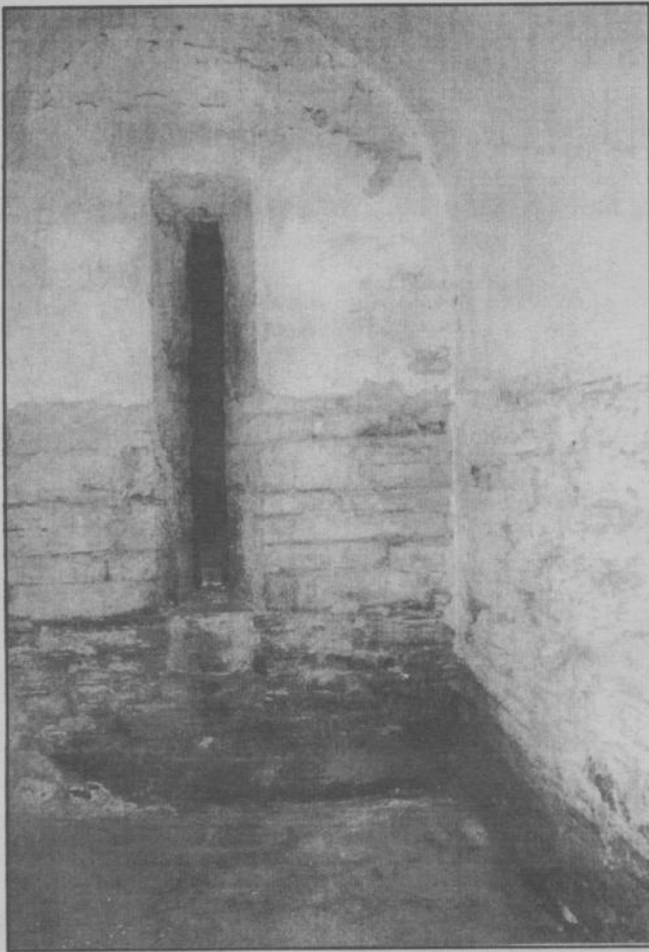
was carried out in a barn constructed for that sad purpose behind the wooden jail. On Sept. 29, 1848, a tramp named Harris Bell was executed for the murder of Mrs. Gershom Williams near Scott Center on August 1, 1847. The three previous hangings took place in Bethany. In 1809 Peter Allen was hanged for the stabbing of Solomon Tice and claims the dubious honor of being the first man executed in the county. Nineteen-year-old Cornelius Jones paid the ultimate price for the poisoning of his stepfather Isaac Roswell in 1817 and in 1828 Freeman Marthers was executed for the murder of Col. Jonathan Brooks.

It is said that stone walls do not a prison make and the history of the old jail seems to give truth to that old adage. Even the sturdy stone walls proved

In 1894 a horse thief, watch thief and two tramps joined forces to saw their way out of a door and climbed over a fence. It might seem reasonable to think that perhaps there was another member of the team who supplied the saw. In 1913 two prisoners with a flair for acrobatics piled two tables and several chairs on top of each other until they reached the cupola. They managed to break through the trap door, crawl to the roof and drop to the ground twenty feet below. Over the years various versions of these methods were tried. One man successfully managed to squeeze through one of the narrow windows but another unlucky inmate found his egress through the cupola thwarted by his bulky frame.

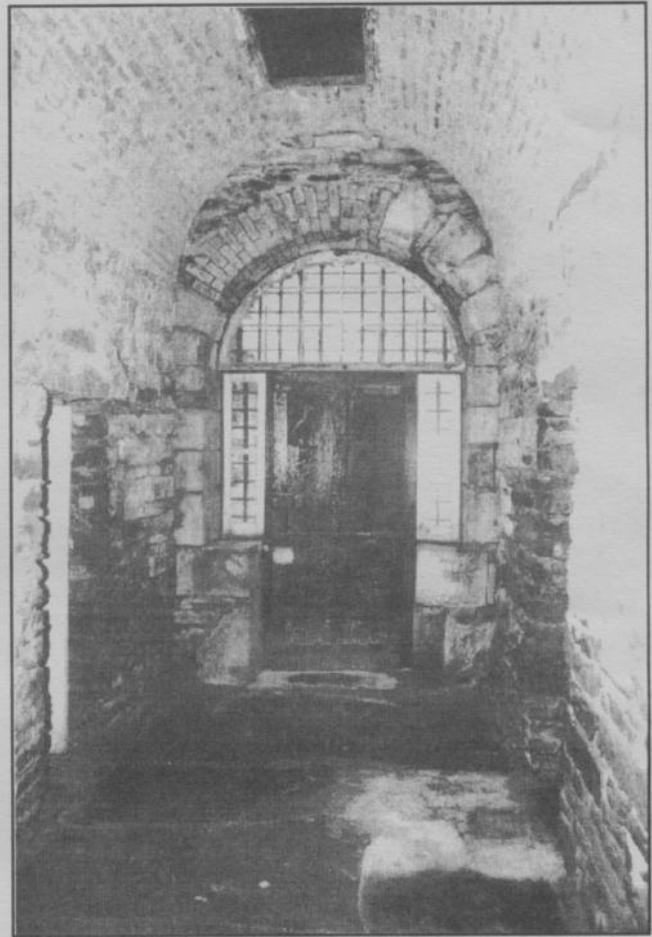
Perhaps the most celebrated escape was that of





Left:  
Interior of cell  
showing narrow  
window.

Below:  
A view of one of the  
heavy iron doors  
located at each end of  
the narrow corridor.



James P. McCabe in 1887. Mr. McCabe of Preston Township was convicted and sentenced to hang for the murder of Michael Riley in December of 1885. He was sentenced to be hanged on May 26, 1887. In the early morning hours of May 18, McCabe escaped from his cell despite the fact that two guards were sleeping nearby. It was believed that he had outside help and a \$500 reward was issued for his capture. He remained at large for nearly four months but was finally captured in the loft of Martin McClune's barn in Preston Township on Sept. 13, 1887. McCabe's escapade had serious repercussions for Sheriff Medland, who, with two deputy sheriffs and three county commissioners, was indicted for "gross negligence in discharge of their official duties." Fortunately, they received a verdict of not guilty.

McCabe, however, was not so fortunate. On Nov. 10, 1887, he was hanged in another hastily constructed barn behind the old jail. The barn in which Harris Bell had been executed so many years before was now used as a stable. Although a large crowd gathered outside the jail, about seventy black-bordered

invitations had been issued to a select number of people who were to witness the event. McCabe's was the fifth and the last hanging in Wayne County.

The old jail still stands, forlorn and mostly unnoticed, amid the constant bustle around Courthouse Square. It is now merely a repository for tools, planks of wood and other odds and ends necessary to carry out repair and maintenance jobs. However, within those stone walls there also resides an important chapter in Wayne County's history. It is a story that should be told and a site that should receive recognition as one of the county's historic landmarks. □



# WAYNE COUNTY'S FIRST HANGING

By  
George J. Fluhr

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It was the eighteenth day of October in 1808 in the village of Bethany in Wayne County. The borough of Honesdale, which one day would lie just to the south had not even been thought of.

An almost unbroken wilderness stretched for fifty miles in every direction pierced here and there by rough roads that gave access to the world outside. Bethany had recently been made the County seat. The first Court House and jail had just been completed and town lots had been purchased by the Torreys, Skinners, Brinks, Tylers, Collinses, Labars, Stantons, Robertses, Kellogs, Prestons, Stevensons, and others, whose descendents would eventually spread through the county.

Jason Torrey had put up a new hotel on the north side of the square, anticipating that Miller's Tavern, which had accepted boarders for some time, would not be able to fill the need for lodging when court would be in session. For some time too, a portion of the tavern had been rented to John Bunting for a general store.

All that October day a battalion of militia had been drilling on the public square, and by late afternoon most of the men had gone to Miller's where Charley Seaman was tending bar. Out in the back, were two shoemakers from Canaan who had come to town "for a good time". One of them, Pete Allen, was sharpening a large butcher knife which he had just bought from Bunting's.

"Go into Miller's and get me a dipper of water so I can moisten this grindstone, he asked. Solomon Tyce was eager to comply.

Tyce thought he was back on good terms with Allen although he had, some time before, reported the whereabouts of Allen to the Sheriff. Allen, at that time newly arrived from Connecticut, where he had left his family, had been arrested

on a misdemeanor charge and had broken out of jail. Although that incident had seemed to be forgotten, Tyce was unaware that Allen continued to hold a bitter grudge.

About eight o'clock in the evening with the tavern crowded, an argument broke out between two of the customers. One challenged the other to step outside where, ready to fight, they began removing their shirts. Solomon Tyce, a peaceful man, tried to prevent the fight, holding back one of the disputants.

A crowd had gathered and from the crowd rushed a drunk and enraged Allen, all of his anger directed at Tyce. The original fight was forgotten as Allen, waving his huge butcher knife lunged at Tyce.

Tyce was stabbed seven times, twice in the stomach, twice in the arm, twice in the hand, and once in the back. Everything happened so fast that the onlookers were frozen with horror. As Allen ran from the scene a woman screamed and went into convulsions. Allen was soon chased by a group of men who quickly apprehended him, tied him up, and took him directly to Justice Abisha Woodward who immediately ordered him placed in the new jail.

Tyce was carried into a nearby house where his wounds were dressed by the militia's regimental surgeon, assisted by a local physician. Dr. Freeman Allen. Neither held out any hope and two days later Solomon Tyce died.

Court was convened on December 5, 1808 by President Judge John Spayd, with Associate Judge Richard Brodhead. Jury foreman Jacob Hornbeck announced a true indictment which read:

"Peter Allen, late of the township of Canaan in the county of Wayne, cordwainer, not having the fear of God before his eyes, but being moved and seduced by the instigation of the



devil, on the 18th day of October, A.D. 1808, at the township of Dyberry, with force and arms, in and upon one Solomon Tyce, in the peace of God then and there being, with a certain knife of the value of twenty cents, the said Solomon Tyce in and upon the right side of the Belly near the right groin did strike and thrust giving to the said Solomon Tyce one mortal wound of the length of four inches, and of the depth of six inches, of which mortal wound the said Solomon Tyce from the 18th to the 20th day of October did languish, and languishing did live; on which said 20th day of October the said Tyce of the said mortal wound died.

Arraignment was held December 6 with the defendant pleading "not guilty". On December 7th a jury was selected and the trial began.

The news of the murder and trial had spread throughout the county and the new Court House was filled to capacity. The prosecutor made the point that the facts were undisputed by many witnesses; the murder was premeditated, and without provocation. A newspaper reported that a weak defense was made.

On the second day of the trial the jury rendered a verdict of murder in the first degree. The prisoner was promptly sentenced to be hanged.

On March 18, 1809, five months from the day of the murder, the sentence was carried out at the southwest corner of the public square in Bethany, by the Deputy Sheriff. Peter Allen was the first person publicly executed in Wayne County.

# WAYNE COUNTY'S SECOND HANGING

By  
George J. Fluhr

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On Thursday morning, the 6th day of February 1817, a heart-broken widow was standing in the office of Squire Spangenberg in the old county seat of Bethany, swearing away the life of her only son. Her name was Elizabeth Roswell, and she lived on the road leading from Seelyville to an old glass factory. Her son, Cornelius Jones, she said, had poisoned her husband on the previous Sunday night. A warrant for her son's arrest was issued.

The following day, Jones was questioned. When asked if he had any poison in his possession he stated he had purchased some opium from Dr. Collins. His mother, he said, had wanted to take laudanum, a tincture of opium, and Jones had suggested pure opium. "It was stronger", he said. That night, he admitted, he put some in his stepfather's bread. "Then I took some myself, he said, "I took it to relax".

Further questioning brought out the fact that Jones had encouraged his mother to go away that night, telling her that she would rest better. It was also brought out that he had purchased arsenic. "What did you intend to do with the arsenic?" asked the Justice. "I wanted to kill rats as they had eaten my stockings and candles," responded Jones.

After the questioning of Jones, His mother took the stand and stated that Jones was strangely attentive to his stepfather the night of his death, insisting on giving him cinnamon tea, and cider which her husband complained was unusually bitter. "Did you ever hear Cornelius say he wished him dead?" Mrs. Roswell was asked. "Yes," she responded. He was always at variance with his father, and they were disagreeable to each other always".

While this questioning was going on, the Coroner, Matthias Keen, was holding an inquest on the body. The verdict of the Coroner's jury was that "Roswell was murdered by Cornelius Jones on the 8th day of February, 1817, by administering a certain portion of poisonous medicine, or some violent stimulant, in consequence of which said Roswell did then and there soon after die. "

Jones was placed in jail, and on August 27 the Grand Jury indicted him for poisoning Roswell with "white arsenic mixed with cider." The following day a jury was selected and the trial began. President Judge Thomas Burnside presided, along with Associate Judges Abisha Woodward and Moses Thomas. District Attorney Edward Mott, Jr. was prosecutor. The trial attracted a great deal of attention, especially when the defense attempted to show that the



mother was as much involved in the killing as the son. Was she sacrificing her son to save herself?

Twelve witnesses appeared for the prosecution and five for the defense. The turning point of the trial came when Mrs. Spangenberg, one of the defense's own witnesses was cross-examined. "Did you ever hear Cornelius Jones say why he murdered his father?" asked Attorney Mott. The witness hesitated while a death-like stillness pervaded the courtroom. At last in slow reluctant tones came the answer: "Yes, I heard him say he killed him because he hated him."

The Jurors looked at each other; the defendant and his attorney turned pale. Spectators in the courtroom whispered that it was all over for Jones.

On August 30 the jury rendered a verdict of murder. The judge immediately pronounced sentence:

"Cornelius Jones, you have been convicted of murder in the first degree. You have had a fair and impartial trial. Able counsel have been assigned you by the Court and after a most patient investigation a jury of your country have pronounced you guilty. No person could have heard your trial without being satisfied that you are guilty, that you are guilty of the crime of murder, a crime that has been at all times and in all countries, punished with death. It is the highest offence known to our laws. You are a young man and the latter part of your life has been marked with extraordinary wickedness. You have with deliberation and without cause taken the life of a relative to whom you owed affection, regard, and respect. It is unnecessary to review the infinite pains you took to procure the deadly poison and consummate an act of unparalleled atrocity, which will surely bring you with infamy to the grave. Your course has been an important lesson to the thoughtless and the wicked.

"You have a short period to live and an awful eternity is at hand. The Court most earnestly urge you to employ the little period you have in this world in humble supplication and prayer to Him who gave you existence and in whose hands are the issues of life and death, by humbling yourself before your God and sincerely turning and relying on Him; the efficacy of whose atoning blood and the omnipotency of whose saving arm can procure you salvation and rescue you from that gulf where the worm dies not and the fire is not quenched.

"We solemnly entreat you to improve the little period that is left in preparing to meet a just God whose commandments you have violated and whose precepts you have disregarded. It only remains for the Court to pronounce the sentence of the law. They order and direct that you be taken back to the prison whence you came and from thence to the place of execution and that there you be hung by the neck until you are dead. And may God Almighty have mercy on your soul."

The execution took place on November 15, 1817 on a scaffold erected about 220 yards east of the old Bethany Court House. With the first attempt, the rope broke. Despite the pleas of the prisoner, a new one was quickly secured and the hanging proceeded without further incident.

There is a curious sequel to the hanging of Cornelius Jones. A few days after the hanging some boys playing in the woods discovered his empty coffin, which had been removed from his grave. They followed tracks to a log house on a nearby hill, and there discovered the body. The incident was reported to the authorities who took the body and reburied it just outside the Presbyterian cemetery in Bethany.

In those days when modern medicine was in its infancy, doctors were known to pay for bodies to study. An old newspaper, in reporting the incident stated that a local doctor and some others were arrested "but as usual in such cases nothing came of it".

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# WAYNE COUNTY'S THIRD HANGING

By  
George J. Fluhr

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Jonathan Brooks had been driving his wagon over the Newburgh Turnpike, which in 1828 was a main road from New York State to Susquehanna County. The Delaware was crossed at Damascus via a covered bridge which charged 37½ cents for a one-horse vehicle. At that point the driver was on the section of road which was sometimes called the Cochection - Great Bend Road. It was a poor and lonely road with few houses or towns along the route.

A short distance west of Rileyville a small bridge crossed a branch of the Dyberry Creek. There Mr. Brooks met a stranger who was cooling his feet in the water. He apparently had been walking for some time and Brooks was pleased to offer him a ride and have company for a while. The stranger's name was Freeman Marthers, a laborer from Virginia, who had, for a while, tended bar at Frost Hollow, a village in Susquehanna County.

The travellers continued until, just before sunset, they reached the village of Pleasant Mount where they decided to have dinner and spend the night at the St. John's Hotel.

On the morning of June 25, 1828, Mr. Brooks paid the bill and the two travellers continued on toward Belmont. At the hotel there, Mr. Brooks knew that he would be delayed, and Marthers decided to go ahead on foot. He turned right onto the Belmont Turnpike which led to Lanesboro. He had gone only about a mile when Brooks caught up with him. Brooks would soon discover that Marthers had been planning his murder.

While Brooks expected Marthers to join him on the wagon, Marthers surprisingly declined and Brooks passed him. Suddenly Marthers called out, "Your lynch pin is coming out." Had this happened the wagon could have been wrecked. Naturally Brooks stopped to check it.

As he bent down to examine the wagon, Marthers hit him over the head with a large stone. Brooks, a strong man, attempted to get up but Marthers continued to hit him in the head and face with the stone, and then, drawing a knife, stabbed him in the neck. Blood sprouted from a severed artery, and in a few minutes Brooks was dead.

Marthers took Brook's watch, ring, and other possessions, then quickly jumped into the wagon, expecting a quick get-a-way. In his panic he did not realize that the horse, frightened during the struggle, had turned the wagon around. Unknown to him, the

horse was taking him back to Belmont.

When Marthers arrived at the Belmont Hotel, a stagecoach driver who had seen him earlier, observed him washing his bloody hands at the sink. He asked, "Where is Mr. Brooks?"

Marthers responded that Brooks had gone ahead and would meet him at Great Bend. "Why do you have his watch?" asked the stage driver. "He gave that to me to drive by, so that I could meet him at the right time," replied Marthers. "Why do you also have his ring?" asked the driver. "Well he gave me that to remember him by," was the reply. With that answer, Marthers jumped up, got into the wagon, and headed west.

The stagecoach driver, puzzled by the matter, discussed it with some friends. He decided to go after Marthers while his friends went north to search for Brooks. When he caught up with Marthers, the stage driver tried to stop him and an argument ensued. Just as a fight appeared imminent, the sound of hoofbeats was heard. Marthers ran for the woods.

The horsemen reported that Brooks' body had been found. Marthers, they were convinced, was the murderer.

After a short discussion it was decided to alert every farmer in the area and order them, in the name of the law to participate in the hunt for Marthers. Additional help was sent for from Bethany and Honesdale. Everyone responded and the area was surrounded. Marthers was located at an old cabin in the woods. He was taken without a struggle, tied, and with ropes on his ankles, was made to walk to Pleasant Mount where Squire King held a hearing and committed him to jail.

Meanwhile a coroner's jury had been convened and found that "Jonathan Brooks was willfully murdered by the hand of a stranger in company who was seen soon after in possession of said Brooks' horse and wagon in the County of Wayne on the 25th day of June in the following manner, in consequence of several bruises on his head apparently made by a stone and a stab in his neck made by a knife or some sharp instrument."

The trial was held in August before President Judge David Scott, with Associate Judges Abisha Woodward and Moses Thomas. On August 26, Marthers pleaded not guilty, and a jury was chosen. The testimony for the prosecution was overwhelming. The only

witness for the defense was the prisoner's mother. On August 30 the verdict was rendered, "Guilty of murder in the first degree." Marthers broke down, confessed, and told the whole story.

The sentence, death by hanging, was to be carried out in two months. Marthers, in the Bethany jail, spent his time wood carving, or drawing pictures of ships on the walls of his cell.

On October 24, the date set for the hanging, a dense fog covered the town in the early morning. People had been coming for days and the town was filled with visitors sleeping in the tavern, on floors, in barns, and on the ground. They ate everything available in Bethany and actually drank the wells dry.

As the fog cleared, the day became hot and the dust stifling. The scaffold had been erected and the gallows tested. The sheriff was determined that the rope would not break as it had during the hanging of Cornelius Jones ten years before. At ten o'clock the militia cleared a space in front of the courthouse and a service began. A coffin was there and during the sermon, the singing, and the praying, Marthers either sat or knelt on it.

When the service was completed the coffin was placed in a wagon and a procession was formed. Marthers, it was noted marched in step to the mournful music. The place of execution was west of Bethany, just outside the village. Sightseers were everywhere; the captain of militia continually had to force them back.

At the gallows Marthers made a speech and warned the people to avoid gambling and thieving, as those vices had brought him where he was. He professed great penitence and bore up bravely to the last.

When the end was near the sheriff held up his watch and proclaimed loudly, "Freeman Marthers you have two minutes and a half to live" This warning was repeated every half minute. When the last half-minute was announced a death-like stillness fell on the spectators. Marthers cried out with a loud voice, "Oh Jesus, humble and receive my soul". The trap fell. This was the third of the five executions in Wayne County.



# WAYNE COUNTY'S FOURTH HANGING

By  
George J. Fluhr

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It was nine o'clock, Sunday morning, August 1, 1847. Mrs. Eliza Williams, a lady of about sixty, dressed in her best, with lace cap, parasol, fan, gloves, and wearing a flower, left her home to meet her Sunday School class in the school house, a mile and a half away. The family was to follow an hour later in a wagon to attend church services.

Mrs. Williams lived near the center of Scott Township, Wayne County, on the Mount Pleasant Road, where the cross road ran westward to meet the road to Starrucca. Her walk that Sunday morning, went through a little patch of woods, past the house of John Smith, through another bit of woods, past Lewis Smith's, then through deeper woods for the last half mile.

The previous night, George Henderson, who lived on the Starrucca Road, a mile and a quarter south of the schoolhouse, had found a man lying at the side of the road. The stranger, sick and crippled, had asked permission to sleep in the barn. Henderson, a hospitable man, offered to put the man up in his house.

The stranger was a large man, about 26 years old. He had bushy black hair, squinting eyes, a shuffling walk, and stammering speech. One arm appeared to be deformed. "Where are you from and where are you going?" asked Henderson.

"I am coming from Baltimore, and am going to Philadelphia", answered the stranger, prompting Henderson to remark, "You have taken a curious way to get there". "It makes no difference which way I go," he replied. "I've been a cripple all my life, and I beg for a living." He went on to explain that he had lived for twenty years with Indians in Florida, could speak the Indian language, and claimed to be an Indian doctor. As if in proof of his statements, he sang some Indian songs, and in a nearby swamp, pointed out to Henderson several plants having medicinal value.

Next morning at breakfast, Henderson had to cut the stranger's food, as he had done at dinner the previous night. Then he helped him put on his coat, over the withered arm, and watched him start down the road to Starrucca.

A half hour later the stranger returned and appeared headed toward the schoolhouse. Several persons saw him on that road, and he was observed going into the woods. An hour later he again returned, his coat dirty and torn, going again toward Starrucca.

Mrs. Williams' class had no teacher that morning. When it was realized that she had left her home and had not been seen since, a search began.

Soon her body was discovered near the road, blackened by burnt logs near where she was lying. Her dress was torn and dirty; her hair was over her face and in her mouth. One of her gloves and part of her cape were gone. Marks on her throat indicated that she had been strangled.

The stranger was immediately suspected, and soon men on horseback went in pursuit of him. It was not long before he was caught and searched. In his pocket were Mrs. Williams' glove, and the torn part of her cape.

He was led back to where the murdered woman lay. He cried a little and then laughed. He said he was not sorry for what he had done, and appeared indifferent to everything around him, asking why there was so much fuss about one woman. With this remark, several men had to be restrained from taking the law into their own hands.

Taken before the local Justice of the Peace, he confessed in the following words, "I suppose I may as well own it up as to let it alone. My intention this morning was that the first woman I met, I would ravish her anyhow." He gave his name as Harris Bell, and described the attack in detail.

Bell was taken to the Stone Jail in Honesdale. He was indicted and trial was set for December, before President Judge William Jessup, and Associate Judges Virgil Grenell and Oliver Hamlin.

Bell's defense was "alleged imbecility". A prime witness was the warden of Eastern Penitentiary where Bell had been confined for years for a previous crime. He testified to Bell's "incapacity and weak-mindedness". Other witnesses were brought from his home in Cortland County, New York. One witness testified that he had worked with Bell in a hayfield some nine years earlier, and that he "appeared to do his work well". Visitors to the jail gave conflicting opinions as to Bell's mental condition, claiming that he told contradictory stories.

The jury found Bell guilty of murder in the first degree, and on February 12, 1848 he was sentenced to be hung. The sentence was to be carried out on September 29, 1848.

It was to be the first public hanging since the County seat had been moved from Bethany to Honesdale in 1841. Sheriff William F. Wood had erected a platform 30 feet square and 20 feet high, a few feet south of the Stone Jail. The crowd began pouring into Honesdale early in the morning and soon every spot that had a view of the gallows was occupied. The roofs of houses, every window, the trees, and the hillsides were covered with people anxious to see the spectacle.

At a quarter to two the jail door was opened and Bell was led out. He was wearing a shroud; a white cap was on his head. His hands were tied behind him and the rope was around his neck. He was accompanied by the Sheriff and several deputies. Clearing a way were the Honesdale Guards. At one point as the procession passed, a fence collapsed under the weight of the spectators, provoking a smile from Bell.

At the platform, religious exercises began, directed by Rev. H.A. Rowland. Bell then arose and in a loud voice and excited manner made the following statement:

"Gentlemen, I am going to the kingdom of heaven. I have prayed many a day for more than a year and God has forgiven my sins. I now stand on the gallows but this night I shall be in Paradise. Oh glory to God for his goodness and great mercy to me. I hope that God will bless you all and that he may bless the Sheriff and his family. I hope that I shall see every one of you there. I now forgive my enemies and persecutors and my prayer to God is to forgive me for the sake of him who died on the cross."

Here he paused and the Sheriff adjusted the rope. Bell continued in a lower tone, "When this platform leaves my feet, my neck is broke and I land in Heaven. Gentlemen let me entreat you by my example to bring up your children right and not to bring them to the gallows. And take warning from me to govern your passions."

The Sheriff checked his watch and announced that Bell had five minutes to live. The cap was placed over his head. Rev. Rowland commended him to God, and the trap fell. Fifteen minutes later Harris Bell was declared dead.

At 2:30 the body was taken down and delivered to some local surgeons who had made a bargain with Bell while he was still alive. His body was to be given to them for dissection in return for their keeping him supplied with tobacco as long as he was in jail.

This was the fourth execution in Wayne County and the first in Honesdale.



# WAYNE COUNTY'S FIFTH HANGING

By

Gloria McCullough

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At 10:00 A.M. on Friday, New Year's Day of 1886 the lifeless body of Michael Reilly was found, lying face down, a short distance from his home in Preston Township. Signs of violence were all too visible and the use of a sharp edged weapon, such as an ax, was evident. The back and sides of Reilly's clothing were very wet indicating he had lain out in the rain for some time but the front of the body and the ground beneath were relatively dry. No footprints were to be found in the vicinity of the body.

Reilly had been last seen alive on Wednesday, December 30<sup>th</sup> and it had rained heavily on Thursday. This led investigators to conclude that the murder was committed sometime on Wednesday before the rain. This evidence, that placed the time of death as Wednesday night instead of Thursday night, was to be a crucial factor when the case came to trial.

Michael Reilly was 38 years old at the time of his death. He lived with his wife and child on a farm on Tully Road, near present Route 247. By reputation Reilly was industrious and provided well for his family. He had money deposited in two banks in Honesdale and was known to sometimes loan money to his neighbors. It was also known that he frequently accumulated large sums of money at his home before making the twenty- mile trip to Honesdale.

Reilly's farm was located about three miles from the home of James McCabe. McCabe, also 38, had a reputation as a drunkard who never had enough money to pay his creditors. Although he had a quantity of personal property left to him by his mother, he had managed to squander much of it, was deeply in debt, and had an encumbrance on the family farm in the amount of \$1,450.

Dr. C.W. Kelley was summoned to the murder scene and, after examining the body, determined that death took place at least eighteen hours earlier. The only money found on the deceased was a silver half dollar. Several neighbors who were at the scene of the crime used a key found on the ground near the body to enter Reilly's home. Nothing in the house seemed to be disturbed. The only money found on the premises was \$15 in gold in a bureau drawer. Two cows and a mare were housed in stables behind the house. The mangers of the animals were empty and they seemed to be very hungry. Two axes were found on the porch, one of which had traces of dried blood.

On Saturday, January 2, Constable Fred J. North set out for McCabe's home to take him into custody. McCabe, although

clearly under the influence of alcohol, offered no resistance. After a hearing at the Fletcher Hotel in Pleasant Mount, McCabe was transferred to the Old Stone Jail in Honesdale.

On March 3, 1886, the trial began before Judge Henry M. Seely. The Commonwealth's position, that Michael Reilly was robbed and killed with an ax on the night of Wednesday, Dec. 30, 1885 between the hour of 10:00 and 11:00 P.M. included the following testimony:

McCabe was seen with an ax on Wednesday afternoon, hid the ax behind a fence, and showed reluctance to tell what he had done with the ax when first questioned.

McCabe and Reilly were together at 10:00 pm on Wednesday, Dec. 30<sup>th</sup>.

McCabe, who was known for his inability to pay his debts, had spent considerable money immediately after the murder, had \$100.87 on his person when arrested, and could not explain where he had gotten the money.

An empty wallet that was identified as belonging to Michael Reilly was found in a shed behind Flynn's Hotel, where McCabe had been at 11 P.M. on Wednesday.

McCabe was aware that Reilly had recently received \$150 for a yoke of oxen, and that his family was absent from the farm.

Several witnesses claimed that McCabe admitted killing Michael Reilly.

On Saturday, March 13, 1886, the jury retired to decide the verdict and on Sunday morning the verdict of "guilty of murder in the first degree" was delivered.

An appeal for a new trial was made but immediately denied and, on May 14, 1886, McCabe, still vehemently asserting his innocence, was sentenced to hang. The case was appealed to the State Supreme Court, where on October 4, 1886 the guilty verdict was upheld.

The hanging, originally scheduled for January 13, 1887, was postponed by legal maneuverings to March 25, then May 26.

On May 18<sup>th</sup>, with an appeal pending, James McCabe made one last desperate bid for freedom. Between the hours of 3:00 A.M. and 5:00 A.M. he managed to take the key to his cell from the pocket of one of his two sleeping guards and make an escape.

A reward of \$1000 was offered for his arrest but he remained at large until September 14 when he was apprehended in the hayloft of a barn in Preston Township. He was returned to the Old Stone Jail and his execution was rescheduled first for October 1, and then delayed to November 10, 1887.

A gallows was borrowed from New York City's Tombs Prison and was erected in a barn behind Wayne County's Old Stone Jail where professional executioner Joseph Atkinson would carry out the sentence. Sheriff Medland issued 70 passes to people to witness the execution. Early on the day of the execution a small chapel had been set up in one of the cells and there Father O'Malley of St. John's and Father Dassel of St. Mary Magdalene's held Mass for the condemned man and his family. Following his last meal, a breakfast of ham, eggs, bread, and coffee, McCabe bid a final farewell to his weeping family and friends.

Outside hundreds of people were gathering behind the ropes stretching around the jail yard and across 10<sup>th</sup> Street. Shortly before noon, Sheriff Medland and his deputies went to the chapel where the death warrant was read. McCabe, accompanied by Fathers O'Malley and Dassel, was led down the covered passage between the jail and the barn where the execution was to take place. The procession halted beneath the gallows and the priests and McCabe, holding a large bronze crucifix, knelt for a final prayer. Rising, the priests stepped back and McCabe's arms were fastened behind his back. The noose was placed around his neck and a black hood was drawn down over his head. At 12:05, the sentence was carried out. After McCabe was officially declared dead by Dr. Stephens of Salem and Dr. Dusenberre of Honesdale, his body was placed in a satin-lined casket for burial in St. Juliana's Cemetery, the same burying ground in which his victim had been laid to rest.

James McCabe's hanging was the fifth and last public execution by hanging in Wayne County. A few years later, the authority for capital punishment was removed from the County Sheriffs and reserved to the State.

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Adapted and edited by George J. Fluhr  
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